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JS-6

12 Attorneys for Plaintiff
13 United States of America

14 UNITED STATES DISTRICT COURT

15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 WESTERN DIVISION

17 UNITED STATES OF AMERICA,) NO. CV 13-7437 R (PLAx)
18 Plaintiff,)
19 v.)
20 \$628,847.00 IN U.S. CURRENCY,) <u>CONSENT JUDGMENT OF FORFEITURE</u>
21 Defendant.)
22)
23 BINYUE XIAO,)
24 Claimant.)
25)

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27 This action was filed on October 8, 2013 against the
28 defendant \$628,847.00 in U.S. currency ("defendant currency").

1 Binyue Xiao ("Xiao") claims an interest in the defendant
2 currency. No other parties other than Xiao have appeared in
3 this case and the time for filing statements of interest and
4 answers has expired. Plaintiff United States of America and
5 Xiao have reached an agreement that is dispositive of the
6 action. The parties hereby request that the Court enter this
7 Consent Judgment of Forfeiture.

8 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

9 1. This Court has jurisdiction over the parties and the
10 subject matter of this action.

11 2. Notice of this action has been given in accordance
12 with law. All potential claimants to the defendant currency
13 other than Xiao are deemed to have admitted the allegations of
14 the Complaint. The allegations set out in the Complaint are
15 sufficient to establish a basis for forfeiture.

16 3. The United States of America shall have judgment as to
17 \$554,400.00 of the defendant currency and all interest earned of
18 the entirety of the defendant currency since seizure, and no
19 other person or entity shall have any right, title or interest
20 therein. The United States Customs and Border Protection,
21 Department of Homeland Security is ordered to dispose of said
22 funds in accordance with law.

23 4. \$74,447.00 of the defendant currency, without
24 interest, shall be returned to Xiao by either check or wire
25 transfer in two separate transactions: one in the amount of
26 \$65,513.36; and the second in the amount of \$8,933.64. If the
27 United States elects to make the payments by check, the check in
28 the amount of \$65,513.36 will be payable to "Binyue Xiao and Law

1 Offices of Thomas P. Sleisenger," and mailed to attorney Thomas
2 P. Sleisenger, Esq. at the Law Offices of Thomas P. Sleisenger,
3 1901 Avenue of the Stars, Suite 615, Los Angeles, California
4 90067. The second check in the amount of \$8,933.64 will be
5 payable to "Law Offices of Thomas P. Sleisenger," and mailed to
6 attorney Thomas P. Sleisenger, Esq. at the Law Offices of Thomas
7 P. Sleisenger, 1901 Avenue of the Stars, Suite 615, Los Angeles,
8 California 90067. If the United States elects to make the
9 payment by wire transfer, the funds will be wire transferred in
10 two separate transactions: one in the amount of \$65,513.36; and
11 the second in the amount of \$8,933.64, to the Law Offices of
12 Thomas P. Sleisenger Client Trust Account. Xiao and his
13 attorneys shall provide any and all information needed to
14 process the return of these funds according to federal law.

15 5. Xiao has agreed to release the United States of
16 America, its agencies, agents, and officers, including
17 employees, officers and agents of the United States Customs and
18 Border Protection, Homeland Security Investigations and Anaheim
19 Police Department from any and all claims, actions or
20 liabilities arising out of or related to this action, including,
21 without limitation, any claim for attorney's fees, costs or
22 interest which may be asserted on behalf of Xiao, whether
23 pursuant to 28 U.S.C. § 2465 or otherwise.

24 6. The court finds that there was reasonable cause for
25 the seizure of the defendant currency and institution of these

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proceedings. This judgment shall be construed as a certificate
of reasonable cause pursuant to 28 U.S.C. § 2465.

Dated: June 26, 2014



THE HONORABLE MANUEL L. REAL
UNITED STATES DISTRICT JUDGE

Approved as to form and content:

DATED: June 25, 2014

ANDRÉ BIROTTE JR.
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ROBERT E. DUGDALE
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Chief, Criminal Division
STEVEN R. WELK
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Chief, Asset Forfeiture Section

/S/

KATHARINE SCHONBACHLER
Assistant United States Attorney
Attorneys for Plaintiff
United States of America

DATED: June 25, 2014

LAW OFFICES OF THOMAS P. SLEISENGER

/S/

THOMAS P. SLEISENGER
Attorneys for Claimant BINYUE XIAO

DATED: June 25, 2014

HIRAM W. KWAN, APLC

/S/

HIRAM W. KWAN
CYRUS LAM
Attorneys for Claimant BINYUE XIAO

DATED: June 25, 2014

/S/

Claimant BINYUE XIAO